

Notice of Allowability	Application No.	Applicant(s)
	09/667,390	OGURA, KAZUO
	Examiner	Art Unit
	Gevell Selby	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment filed on 6/13/05.
2. The allowed claim(s) is/are 16,39,45,46,67,68,72-75,78,79 and 81-83 renumbered as 1-15.
3. The drawings filed on 20 September 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 16,39,45,46,67,68,72-75,78,79 and 81-83 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Claims 16, 39, 45, 46 and 81 are allowed for the reasons stated in the previous office action.

In regard to claims 68, 72-75, 78, and 79, the prior art does not discloses the combination of limitations claimed, specifically the limitations of:

a first control means for, if the overlapping determination means determines that the timings overlap when the image storing means stores the photographed image in accordance with the photographing instruction received by the instruction means, allowing the image storing means to store the photographed image after inhibiting the positioning means from executing positioning at the overlapped positioning timing and

a second control means for, if the overlapping determination means determines that the timings do not overlap when the image storing means stores the photographed image in accordance with the photographing instruction received by the instruction means, allowing the image storing means to immediately store the photographed image without inhibiting the positioning means from executing positioning at the overlapped positioning timing as claimed in claim 68.

In regard to claim 82, the prior art does not discloses the combination of limitations claimed, specifically the limitations of:

if a determination is made that the timings overlap when the photographed image is stored in accordance with the photographing instruction, allowing the photographed image to be stored after inhibiting the executing of positioning at the overlapped positioning timing and

if a determination is made that the timings do not overlap when the photographed image is stored in accordance with the received photographing instruction, allowing the photographed image to be immediately stored without inhibiting the executing positioning at the overlapped positioning timing as claimed in claim 82.

In regard to claim 83, the prior art does not disclose the combination of limitations claimed, specifically the limitations of:

Selecting one of a positioning operation and a photographing operation to have higher priority and inhibiting execution of photographing during a period until the positioning has ended as claimed in claim 83.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER